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09/901,828	07/10/2001	Kenneth D. MacKenzie	394448	8286

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EXAMINER

STERRETT, JONATHAN G

ART UNIT	PAPER NUMBER
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3623

DATE MAILED: 08/29/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

**Office Action Summary**

Application No.

09/901,828<sup>1</sup>

Applicant(s)

MACKENZIE, KENNETH D.

Examiner

Jonathan G. Sterrett

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 10 July 2001.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-26 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-26 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_\_.
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_\_.

## DETAILED ACTION

### *Summary*

1. **Claims 1-26** are pending in the application.

### ***Claim Rejections - 35 USC § 112***

2. The following is a quotation of the first paragraph of 35 U.S.C. 112:

The specification shall contain a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the same and shall set forth the best mode contemplated by the inventor of carrying out his invention.

3. **Claims 1, 4 and 24** are rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the enablement requirement. The claim(s) contains subject matter which was not described in the specification in such a way as to enable one skilled in the art to which it pertains, or with which it is most nearly connected, to make and/or use the invention.

Regarding **Claim 1**, the invention claims correlating the results of an employee opinion survey with the results of an organizational diagnostic survey (line 14 and 16 "**by using the correlation coefficients to determine linkage between a process under the control of management and the score on each said employee opinion survey item**"). The purpose of the correlation as stated in the specification is to establish 'knobs' that enable an organization to have knowledge regarding which 'knobs' will impact employee satisfaction – see **Claim 4**, which cites '**defines a causal and functional relationship between a process cause and the outcome thereof**'.

However, correlation as a statistical measure defines how two variables as measured appear to be tied together, i.e. association. Correlation does not

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measure cause and effect, and cannot establish cause and effect. (The applicant is referred to a textbook example from Lapin in the Conclusion that gives an example of correlating the S&P 500 index and the number of sperm whales caught. Obviously, increasing the number of sperm whales caught will not increase the S&P 500, nor vice versa).

**Claim 24** cites similar limitations to **Claim 1** and is therefore rejected under the same rationale for not being enabled.

The invention is not enabled with respect to these claims because one of ordinary skill in the art would not be able to use the invention to establish causality between a process and its outcome using the statistical method of correlation because a causal link would not be able to be determined as is cited in the claims.

4. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

5. **Claims 1-26** are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Regarding **Claims 1-26**, a system is claimed, however there are no hardware, software (i.e. contained on a computer readable medium) or structural elements cited in the claims. The claims are indefinite.

Regarding **Claim 1**, the limitation is cited "eliminating knobs...whose correlation coefficient is **above** a predetermined level" (emphasis added).

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Usually in the art of statistics having higher correlation coefficients indicates a higher level of correlation, and therefore variables under statistical investigation as such would not be eliminated. The examiner assumes this is meant to read "below a predetermined level". Please clarify.

***Claim Rejections - 35 USC § 101***

5. 35 U.S.C. 101 reads as follows:

Whoever invents or discovers any new and useful process, machine, manufacture, or composition of matter, or any new and useful improvement thereof, may obtain a patent therefor, subject to the conditions and requirements of this title.

6. **Claims 1-26** are rejected under 35 U.S.C. 101 because the invention is directed to non-statutory subject matter.

The basis of this rejection is set forth in a two-prong test of:

(1) whether the invention is within the technological arts: and

(2) whether the invention produces a useful, concrete and tangible result.

7. For a claimed invention to be statutory, the claimed invention must be within the technological arts. Mere ideas in the abstract (i.e., abstract idea, law of nature, natural phenomena) that do not apply, involve, use, or advance the technological arts fail to promote the "progress of science and the useful arts" (i.e., the physical sciences as opposed to social sciences, for example) and therefore are found to be non-statutory subject matter. For a process claim to pass muster, the recited process must somehow apply, involve, use, or advance the technological arts. In the present case, none of **Claims 1-26** are directed to anything in the technological arts as explained above. Specifically for **Claim 1**, the limitation "**administering the employee opinion survey**" is cited. This

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limitation can be performed manually without utilizing technological elements, for example, by administering a survey with paper and a pencil. Further in **Claim 1**, the limitation “**calculating correlations**” is cited. Further in **Claim 1**, the limitation “**selecting feasible knobs**” is cited. These limitations can be performed manually without utilizing technological elements. Looking at the claims as a whole, nothing in the body of the claims recites any structure or functionality to suggest that a computer or any technology performs the recited steps. Additionally, for a claimed invention to be statutory, the claimed invention must produce a useful, concrete, and tangible result. In the present case, the claimed invention provides for identifying linkages between employee satisfaction and management processes, which is a useful, concrete and tangible result. Although the recited process produces a useful, concrete and tangible result, since the claimed invention, as a whole, is not within the technological arts as explained above, **Claims 1-26** are deemed to be directed to non-statutory subject matter.

***Claim Rejections - 35 USC § 103***

6. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

7. **Claims 1-26** are rejected under 35 U.S.C. 103(a) as being unpatentable over **Campion** in view of **Mackenzie** and further in view of **Day**.

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**Campion, Michael A; Medsker, Gina J; Higgs, Catherine A; "Relations between work group characteristics and effectiveness: Implications for designing effective work groups."**, Winter 1993, Personnel Psychology, v46n4, pp.823-850, Dialog 00805070 94-54462.

**Mackenzie, Kenneth D, "The Prime Directive for Organizations"**, 1998, The International Journal of Organizational Analysis, Vol. 6, No. 4, pp.289-309, ABI/INFORM Global.

**Day, Abby; Toledano, Kathryn; "Quality inside-out and outside-in"**, 1995, TQM Magazine, v7n2, pp.23-28, Dialog 01075497 97-24891.

Regarding **Claim 1**, Campion teaches:

**administering the employee opinion survey and an organizational diagnostic survey to members of the organization,**

Page 6 paragraph 2 line 1 "Potency", paragraph 3 lines 1 & 7, "Social Support" & "Workload Sharing", paragraph 4 line 1, "Communication" and "Cooperation". These comprise five different elements of an organizational process diagnostic survey.

Page 10 paragraph 3 line 1-3, employee satisfaction (i.e. opinion) surveys were collected.

The collection of both of these surveys comprise administering a survey.

**producing results for the employee opinion survey;**

Page 10 paragraph 5 line 3-7, results produced for the employee opinion survey.

**producing results for the organizational diagnostic survey;**

Page 11 paragraph 5 line 1-4, results were produced from the work group characteristics (i.e. diagnostic survey).

**calculating correlations between Organizational Processes and items in the employee opinion survey to produce correlation coefficients between items in the employee opinion survey and corresponding knobs;**

Page 11 paragraph 6 line 1-2, correlations were calculated between the elements in the diagnostic survey and the employee opinion survey. The elements in the diagnostic survey comprise 'knobs' because they are viewed as being inputs to the process – see page 6 paragraph 1 line 1-4.

**determining an ordered set of said knobs by selecting the knobs having relatively highest leverage using the results from the organizational diagnostic survey;**

Page 11 paragraph 6 line 1-7, the set of knobs which have the highest impact from the diagnostic survey are determined in an ordered set depending on the degree of correlation.

**selecting a causal chain for certain of the items in the employee opinion survey by using the correlation coefficients to determine linkage between a process under the control of management and the score on each said employee opinion survey item; and**

Page 6 paragraph 1 line 1-4, the input-process-output perspective taught by Campion include using the correlation coefficients to determine linkage between the processes under control of management and the scores of the



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employee opinion survey item. Campion teaches that these processes are linked to employee satisfaction (i.e. opinion).

**and eliminating all the remaining knobs for any said employee opinion survey item whose correlation coefficient is above a predetermined level of statistical significance.**

Page 11 paragraph 6 line 6-7, task identity as a input process knob is described as being uncorrelated (i.e. whose correlation coefficient is below a predetermined number) to the effectiveness criteria and is eliminated as having an input on the output process.

Campion does not teach:

**where Organizational Processes are Holonomic Properties;  
selecting feasible knobs for the organization by eliminating, from said ordered set, all said knobs whose potential improvement value is less than a predetermined number.**

Mackenzie teaches:

**where Organizational Processes are Holonomic Properties**

Page 306 paragraph 2 line 7-8, organizational processes described in terms of 12 holonomic processes. If these processes are operating, then the organization is experiencing dynamic congruency. Mackenzie further teaches that dynamic congruency provides the basis for a useful diagnostic system for examining an organization – see paragraph 3.

Both Campion and Mackenzie address improving the function of organizations, and thus both Campion and Mackenzie are analogous art.

It would have been obvious to one of ordinary skill in the art at the time of the invention to modify the teachings of Campion, regarding correlating process inputs with results on an employee opinion survey, to include the step of where the process inputs are holonomic processes, because it would ensure the organization is experiencing dynamic congruency through accounting for the 12 holonomic processes.

Campion and Mackenzie do not teach:

**selecting feasible knobs for the organization by eliminating, from said ordered set, all said knobs whose potential improvement value is less than a predetermined number.**

Day teaches:

**selecting feasible knobs for the organization by eliminating, from said ordered set, all said knobs whose potential improvement value is less than a predetermined number.**

Page 8 paragraph 2 line 1-3 & paragraph 3 line 1-4, knobs are selected that have a potential improvement value, i.e they will have an impact on the desired process, thus there is a threshold, i.e. a predefined improvement value

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below which a knob is considered to have no impact on the process. The knobs having no impact on the process are eliminated.

Day teaches that having knobs provides an important link to providing managers with leverage to effect change (paragraph 1 line 4-6).

Campion, Day and Mackenzie all address improving the functioning of an organization, thus Campion, Day and Mackenzie are all analogous art.

It would have been obvious to one of ordinary skill in the art at the time of the invention to modify the collective teachings of Campion and Mackenzie regarding correlating holonomic processes with employee satisfaction surveys, to include the step of selecting feasible knobs based on a threshold improvement number, as taught by Day, because it would provide managers with actionable items to effect a positive improvement on the employee opinion survey.

Regarding **Claim 2**, Campion teaches:

**wherein: said results for the employee opinion survey comprise means and distribution of the responses of those in the organization for each of the items in the employee opinion survey,**

Page 10 paragraph 5 line 10, means and standard deviation (i.e. distribution) are provided as results of the employee satisfaction (i.e. opinion survey).

**and said results for the organizational diagnostic survey comprise means and distribution of the Organizational Processes of those in the organization.**

Page 11 paragraph 1 line 1-3, means and standard deviation (i.e. distribution) are provided as results of the organizational process survey (i.e. work group characteristics).

Campion does not teach where the results for the Organizational Processes comprise results for Holonomic Properties.

Mackenzie teaches:

**where Organizational Processes are Holonomic Properties**

Page 306 paragraph 2 line 7-8, organizational processes described in terms of 12 holonomic processes. If these processes are operating, then the organization is experiencing dynamic congruency. Mackenzie further teaches that dynamic congruency provides the basis for a useful diagnostic system for examining an organization – see paragraph 3.

Campion, Mackenzie and Day address improving the function of organizations, and thus Campion, Mackenzie and Day are analogous art.

It would have been obvious to one of ordinary skill in the art at the time of the invention to further modify the collective teachings of Campion, Mackenzie

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and Day, regarding providing correlations between a diagnostic of holonomic properties and an employee opinion survey, to include the step of where results comprise a mean and distribution for the holonomic properties because it provides a measure of variability in the diagnostic of holonomic properties.

Regarding **Claim 3**, Campion does not teach:

**wherein said holonomic properties include desired organizational characteristics and key implementing processes.**

Mackenzie teaches:

**wherein said holonomic properties include desired organizational characteristics and key implementing processes**

Page 306 paragraph 2 line 5-10, holonomic properties include desired organizational characteristics (so as to achieve dynamic congruency) and represent key implementing processes (there are 12 key holonomic processes).

Mackenzie teaches using holonomic properties to achieve dynamic congruency in an organization (page 306 paragraph 2 line 7-8, organizational processes described in terms of 12 holonomic processes. If these processes are operating, then the organization is experiencing dynamic congruency. Mackenzie further teaches that dynamic congruency provides the basis for a useful diagnostic system for examining an organization – see paragraph 3.)

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Campion, Mackenzie and Day address improving the function of organizations, and thus Campion, Mackenzie and Day are analogous art.

It would have been obvious to one of ordinary skill in the art at the time of the invention to further modify the collective teachings of Campion, Mackenzie and Day, regarding providing correlations between a diagnostic of holonomic properties and an employee opinion survey, to include the step of wherein said holonomic properties include desired organizational characteristics and key implementing processes because dynamic congruency provides the basis for a useful diagnostic system for examining an organization.

Regarding **Claim 4**, Campion does not teach:

**wherein each of said knobs is a process that establishes and defines a causal and functional relationship between a process cause and the outcome thereof.**

Day teaches:

**wherein each of said knobs is a process that establishes and defines a causal and functional relationship between a process cause and the outcome thereof.**

Page 8 paragraph 1 line 4-6, paragraph 2 line 1-3 & paragraph 3 line 1-4, each of the knobs in a process establishes and defines a link (i.e. that is causal and functional) between something a manager can control and the process itself.

Day teaches that identifying the 'knobs' constitutes profound knowledge – that is, knowledge that there is a real, profound connection between using the knob and seeing an effect.

Campion, Mackenzie and Day address improving the function of organizations, and thus Campion, Mackenzie and Day are analogous art.

It would have been obvious to one of ordinary skill in the art at the time of the invention to further modify the collective teachings of Campion, Mackenzie and Day, regarding providing correlations between a diagnostic of holonomic properties and an employee opinion survey, to include the step of wherein each of said knobs is a process that establishes and defines a causal and functional relationship between a process cause and the outcome thereof because it would provide profound knowledge of what managers could change to see an effect in their organization.

Regarding **Claim 5**, Campion teaches the use of a diagnostic survey as above.

Campion does not teach:

**wherein said organizational diagnostic survey is a holistic diagnostic survey instrument, said items therein being knobby and employing knobby scales.**

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Day teaches:

**wherein said organizational diagnostic survey is a holistic diagnostic survey instrument, said items therein being knobby and employing knobby scales**

Page 8 paragraph 1 line 4-6, paragraph 2 line 1-4, paragraph 3 line 1-4, questions in the diagnostic survey to the organization were 'knobby' and were known to be connected to something that manager's could control (i.e. employed knobby scales).

Day teaches that identifying the 'knobs' constitutes profound knowledge – that is, knowledge that there is a real, profound connection between using the knob and seeing an effect.

Campion, Mackenzie and Day address improving the function of organizations, and thus Campion, Mackenzie and Day are analogous art.

It would have been obvious to one of ordinary skill in the art at the time of the invention to further modify the collective teachings of Campion, Mackenzie and Day, regarding providing correlations between a diagnostic of holonomic properties and an employee opinion survey, to include the step of wherein said organizational diagnostic survey is a holistic diagnostic survey instrument, said items therein being knobby and employing knobby scales because it would



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survey managers in the areas under their control where the manager's changes would have an impact.

Regarding **Claim 6**, Campion does not teach:

wherein said step of determining said ordered set includes running a linear programming model on the results from the organizational diagnostic survey to determine the knobs having relatively highest leverage.

Day teaches, as discussed above, knobs that are questions where managers have a real impact on the process they control by adjusting the knob.

Official Notice is taken that the use of linear programming to identify areas where an impact has the highest leverage is old and well known in the art. Linear programming as a tool provides the user with an optimization scheme given a finite amount of input resources.

It would have been obvious to one of ordinary skill in the art at the time of the invention to further modify the collective teachings of Campion, Mackenzie and Day, regarding providing correlations between a diagnostic of holonomic properties and an employee opinion survey, to include the step of using a linear programming model to determine an ordered set of knobs because it would identify those knobs (i.e. areas) where manager's change would have the most beneficial impact.

Regarding **Claim 7**, Campion teaches

**including the additional step of reducing the number of said feasible knobs by eliminating knobs related to common said items in the employee opinion survey that have smaller potential improvement values and lower correlations with the common said items.**

Page 11 paragraph 6 line 6-7, the work group characteristic 'Task Identity' was eliminated as having a lower correlation and thus smaller improvement values with the employee satisfaction (i.e. opinion) survey.

Regarding **Claim 8**, Campion teaches

**the additional step of selecting said knobs that are feasible for more than one said employee opinion survey.**

Page 11 paragraph 3 line 1, two different sites were surveyed and the knobs were selected for more than one survey.

Regarding **Claim 9**, Campion does not teach;

**wherein said predetermined number is less than or equal to a value of approximately 1.**

Day teaches, as discussed above, the elimination of knobs which have no effect on processes. This elimination would required setting a predetermined

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threshold below which the knob is deemed to have no effect.

Official notice is taken that predetermined thresholds for improvement values(i.e. a predetermined number) can be a range of values including less than or equal to a value of 1. An example of using a threshold value is examining signal to noise ratio, i.e., if the signal to noise ratio is less than a threshold of approximately 1, then the signal is deemed to be indistinguishable from the noise.

It would have been obvious to one of ordinary skill in the art at the time of the invention to further modify the collective teachings of Campion, Mackenzie and Day, regarding providing correlations between a diagnostic of holonomic properties and an employee opinion survey, to include the step of where a predetermined threshold value of approximately 1 because it would provide a threshold to identify which knobs are feasible.

Regarding **Claim 10**, Campion does not teach:

**wherein said level of statistical significance is indicated by a probability value of approximately .01.**

However, Official Notice is taken that the setting a level of statistical significance, including for a value of approximately 0.01, is old and well known in

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the art of statistics. Setting a level of statistical significance provides a well-known way to establish whether or not two measures are correlated.

It would have been obvious to one of ordinary skill in the art at the time of the invention to further modify the collective teachings of Campion, Mackenzie and Day, regarding providing correlations between a diagnostic of holonomic properties and an employee opinion survey, to include the step of where a level of statistical significance is indicated by a probability value of approximately .01, because it would provide a threshold to statistically establish whether or not two measures are correlated.

Regarding **Claim 11**, Campion does not teach:

wherein said level of statistical significance is indicated by a probability value in a range from approximately .01 to approximately .05.

However, Official Notice is taken that the setting a level of statistical significance, including for a value of approximately 0.01 to 0.05, is old and well known in the art of statistics. Setting a level of statistical significance provides a well-known way to establish whether or not two measures are correlated.

It would have been obvious to one of ordinary skill in the art at the time of the invention to further modify the collective teachings of Campion, Mackenzie and Day, regarding providing correlations between a diagnostic of holonomic

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properties and an employee opinion survey, to include the step of where a level of statistical significance is indicated by a probability value of approximately .01 to .05, because it would provide a threshold to statistically establish whether or not two measures are correlated.

Regarding **Claim 12**, Campion teaches

**wherein the step of producing results for the employee opinion survey includes:**

**generating results for a plurality of data splits;**

Page 9 paragraph 1 line 10-11, results generated for data splits of employees and managers

**statistically analyzing different groups in said splits to determine whether a statistically significant difference exists for each of the items in the employee opinion survey, for each of said splits; and**

Page 9 paragraph 1 line 11-12, the statistical significance was compared between employees and managers (i.e. different groups in said splits).

**identifying significant said splits for each of the items in the employee opinion survey; and**

Page 9 paragraph 1 line 12-17, the different scales (i.e. items) in the employee opinion survey were identified as being reliable or not.

Examiner comments that Official Notice is also taken that it is old and well known in the art of calculating correlation to examine the population for

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subpopulations (i.e. groups and splits) where the correlation may be shown to be lower or higher than for the group. This technique is commonly used in demographic analysis to as a tool for segmenting the behavior of different parts of a population.

Campion does not teach performing the same correlation segmentation analysis on the organizational processes (i.e. holonomic properties):

**the step of producing results for the organizational diagnostic survey includes:**

**generating Organizational Processes results for each of said splits;  
calculating the statistical significance of any differences in the Organizational Processes results by examining the differences in means for each Organizational Process for each of said splits; and  
tabulating statistically significant differences in means for each Organizational Process and said splits.**

As noted above, Day teaches the use of holonomic processes (organizational processes) as knobs that managers can manipulate to effect changed.

It would have been obvious to one of ordinary skill in the art at the time of the invention to further modify the collective teachings of Campion, Mackenzie and Day, regarding providing correlations between a diagnostic of holonomic

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properties and an employee opinion survey, to include the step of performing group and split correlation analysis and tabulating the analysis to determine which groups and splits within the subpopulation vary in respect to the correlation, as taught by Campion, because it would reveal how groups and splits within the main population vary in respect to the holonomic properties.

**Claims 13-26** recite similar limitations to those addressed in the rejection of **Claims 1-12** above, and are therefore rejected under the same rationale.

### ***Conclusion***

6. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

**Lapin, Lawrence L; "Statistics for Modern Business Decisions",**  
Copyright 1982, Third Edition, Harcourt Brace Jovanovich, p.350. Discussion of statistical correlation and causality is provided in the example

**Zeitz, Gerald; Johannesson, Russell; Ritchie, J. Edgar Jr.; "An Employee Survey Measuring Total Quality Management Practices and Culture – development and validation",** Dec 1997, Group & Organizational Studies, Vol. 22, No. 4, ABI/INFORM Global. This paper details providing correlations between cultural elements in an organization and specific management practices related to TQM.

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**Schneider**, Benjamin; Ashworth, Steven D; Higgs, Catherine A; Carr, Linda, "**Design, validity and use of strategically focused employee attitude surveys**", Autumn 1996, Personnel Psychology, v49n3, pp.695-705, Dialog 01311295 99-60691. This paper details correlation employee satisfaction surveys with customer satisfaction surveys and notes that customer satisfaction surveys are demonstrably linked to specific management practices, and as well, to firm profitability.

**"Rich in Culture, Rich in Profits"**, Oct, 1998, HR Focus, v75n10, Dialog 11793503 58917407.

**Born**, Dana H; Mathieu, John E; "**Differential Effects of survey-guided feedback: the rich get richer and the poor get poorer**", Dec 1996, Group & Organizational Management, v21, n4, p.388(16), Dialog 09153824 18921012.

**Spector**, Paul E.; Fox, Suzy; Katwyk, Paul T. Van; "**The role of negative affectivity in employee reactions to job characteristics: bias effect or substantive effect?**", June 1999, Journal of Occupational and Organizational Psychology, v72n2, p.205(1), Dialog 11204584 55174763.

**Mackenzie**, Kenneth D, "**Organizational Work, Part I, The Theory**", 1997, Human Systems Management, Vol. 16, No. 1, pp.9-26, ABI/INFORM Global.



**Mackenzie, Kenneth D, "Knobby analyses of knobless survey items, part II: An Application", 2000, International Journal of Organizational Analysis, v8n3, pp.238-261, Dialog 02109005 66810373.**

**Matthews, Monty L., "Using Knowledge to Drive Improvements", 1996, TQM Magazine, v8n1, pp.31-42, Dialog 02553736 87414924.**

**"Miliken Makes Money", Apr 1996, Strategic Direction, n122, pp.19-21, Dialog 02551649 273479951.**

**Mort, Joe; Knapp, John; "Integrating workspace design, web-based tools and organizational behaviour", Mar/Apr 1999, Research-Technology Management, v42n2, pp.33-40, Dialog 01784898 04-35889.**

**Oakland, John S; Oakland, Susan; "The links between people management, customer satisfaction and business results", Jul 1998, Total Quality Management, v9n4/5, pp. s185-s190, Dialog 01693387 03-44377.**

**Testa, Mark R; Williams, John M; Pietrzak, Dale; "The development of the cruise line job satisfaction questionnaire", Winter 1998, Journal of Travel Research, v36n3, pp.13-19, Dialog 01645683 02-96672.**

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**Conclusion**

7. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Jonathan G. Sterrett whose telephone number is 571-272-6881. The examiner can normally be reached on 8-6.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Tariq Hafiz can be reached on 571-272-6729. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

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